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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: John C. Capp -- Household Goods Shipment

File: B-255608

Date: April 3, 1995

DIGEST

A transferred employee acquired household goods, by purchase and gift, at his old duty station after he reported for duty at his new station, but before the carrier timely took possession of his goods at his old duty station for shipment to his new duty station. Under 41 C.F.R. § 302-1.4(j) (1994), all personal property and effects belonging to an employee and immediate family when shipment or storage by the carrier begins may be included in the shipment at government expense. The prior rule of this Office that limited such shipment to goods owned by the employee on the effective date of his/her travel authorization, stated in Joyce D. Hood, B-203381, July 7, 1982, and its antecedent decisions, including 24 Comp. Gen. 69 (1944), is clarified to eliminate this inconsistency with current regulations.

DECISION

This decision is in response to a request from an Authorized Certifying Officer, Forest Service, Department of Agriculture.¹ The question is whether household goods acquired by an employee at his old duty station after the effective date of his transfer, but before timely shipment of his household goods from his old duty station has begun, may be transported to his new duty station at government expense. These goods may be transported at government expense.

BACKGROUND

Mr. John C. Capp, an employee of the Forest Service, was transferred from Washington, DC, to Juneau, Alaska, by travel authorization dated June 8, 1989. He reported for duty there on August 6, 1989. Shortly before he began his travel to Juneau, he moved out of his residence in Arlington, Virginia, and placed the bulk of his household goods in a mini-storage facility in the vicinity of his old residence. Thereafter, Mr. Capp acquired, by purchase or as gifts, additional items at his old duty station and included them with his other household goods. For personal reasons, he chose not to move his household goods

¹Mr. Edward P. Darragh - Reference 6570.

until just before the expiration of the 2-year limitation on shipment.² On August 1, 1991, the carrier took possession of his household goods, packed them for shipment, and forwarded them to his new duty station. The total weight of the goods shipped was 9,040 pounds, well within the limit of 18,000 pounds set by statute.³

The certifying officer is uncertain whether the additional goods acquired after Mr. Capp reported for duty at his new station may be shipped at government expense since there appears to be a conflict between decisions of this Office and the Federal Travel Regulation (FTR). He points out that some of our decisions have stated that household goods which are acquired after the effective date of the employee's travel authorization may not be shipped at government expense.⁴ In contrast, section 302-1.4(j) of the FTR (1994)⁵ defines household goods as all personal property and effects belonging to the employee and immediate family when shipment or storage begins. Since the FTR permits a 2-year period to perform an authorized shipment of household goods incident to a permanent change-of-station, the certifying officer says that the regulations and our decisions are difficult to reconcile.

OPINION

The regulations governing transportation of household goods incident to a permanent change-of-station, are found in Chapter 302, Parts 1 and 8 of the FTR. Section 302-1.4(j) of the FTR⁶ defines "household goods" to mean: "All personal property associated with the home and all personal effects belonging to an employee and the immediate family when shipment or storage begins" Section 302-1.6 of the FTR⁷ provides that the maximum time for beginning allowable transportation shall not exceed 2 years "from the effective date of the employee's transfer," which is defined in FTR section 302-1.4(l)⁸ to

²Household goods shipments are subject to the time limits (generally 2 years) for beginning shipment in FTR § 302-1.6 (1994).

³5 U.S.C. § 5724(a)(2) (1988). See 41 C.F.R. § 302-8.2(a) (1994).

⁴See, for example Joyce D. Hood, B-203381, July 7, 1982 (civilian); Richard L. Canas, B-189358, Feb. 8, 1978 (civilian); B-177875, May 7, 1973 (military); and 52 Comp. Gen. 765 (1973) (military).

⁵41 C.F.R. § 302-1.4(j) (1994).

⁶Formerly 41 C.F.R. § 302-1.4(i)(1) (1989).

⁷41 C.F.R. § 302-1.6 (1994). This section provides for several exceptions, none of which apply to Mr. Capp.

⁸Formerly 41 C.F.R. § 302-1.4(k) (1989).

mean the date the employee reports for duty at his new official station. Except for renumbering, these regulations have not changed since 1989 when Mr. Capp's transfer occurred.

In this connection, the General Services Administration (GSA) issued an official publication, dated May 1985, for transferred employees, entitled "Shipping Your Household Goods." On page 4, employees are instructed as part of their planning:

"If you are moving abroad, start purchasing those items you won't be able to obtain overseas. Make any necessary purchases well in advance of moving time so that they will arrive before the movers do."

Elsewhere on the same page, GSA states that the household goods which may be shipped are those items that belong to the employee or family "at shipment time." Thus, as the agency points out, the currently applicable regulations and guidelines provide that transferred employees may ship at government expense items acquired before shipment or storage of the employee's household goods.

The facts presented in the prior decisions of this Office concerning the shipment of household goods did not specifically raise the question of whether the government may reimburse the costs of shipping items acquired after the effective date of an employee's travel authorization but before the employee's original household goods were shipped.⁹ Many of the decisions do, however, contain the statement that the responsibility of the government for shipment of household goods is limited to those items owned by the employee on the effective date of his or her travel authorization. As discussed below, this statement went well beyond the facts presented in those cases, and is inconsistent with the currently applicable regulations and guidelines.

The statement found in our cases, as it applied to civilian employees of the government, had its origins in the 1930s.¹⁰ At that time there were no regulations governing the shipment of household goods for most transferring civilian employees. We adopted a rule from the regulations governing household goods shipments of military personnel. In 1940, with enactment of the Act of October 10, 1940, 54 Stat. 1105, and under

⁹Shipment of household goods is considered as having begun when the carrier takes possession of the goods for the purpose of forwarding them to a particular destination. Elizabeth A. Varrelman, 65 Comp. Gen. 392 (1986), and decisions cited.

¹⁰See decisions cited in 24 Comp. Gen. 69 (1944).

regulations promulgated by the President,¹¹ a uniform basis for reimbursing the cost of transporting the household goods of transferring civilian employees was created.

We considered, for the first time, the effect of the newly promulgated regulations on an employee's entitlement to ship household goods acquired after the effective date of his change-of-station, and after the shipment of his other goods had been completed in 24 Comp. Gen. 69 (1944). Section 11 of the regulations provided that: "No expenses shall be allowable for the transportation of property acquired en route from the last official station to the new."¹² While the regulation addressed property "acquired en route" rather than property acquired after the effective date of the travel authorization, we stated that "nevertheless the evident purpose of the regulation is to continue in effect the previously existing rule—the two situations appearing analogous." In succeeding cases, such as Joyce D. Hood, B-203381, July 7, 1982, we repeated the original statement of the rule.

In 24 Comp. Gen. 69 (1944) and Joyce D. Hood, as well as in other decisions of this Office, the goods in question were acquired after the employee's original household goods were shipped. These goods can reasonably be said to have been "acquired en route between old and new official stations," and, consequently, the cost of their shipment may not be charged to the government. While it is also possible to interpret "acquired en route" to include goods acquired before the employee's original household goods have been shipped but after the effective date of travel authorization, the drafters of the FTR have not done so. As discussed above, section 302-1.4(j) of the FTR defines household goods so as to allow shipment at government expense of goods acquired after the effective date of the authorization, but before the carrier picks up the shipment, assuming all other applicable limitations are met. We believe that the regulation as currently formulated makes sense in light of the fact that a change of official station may require that an employee move to the new station before other family members are able to do so.

In our view, a civilian employee may acquire household goods and effects at any time before the carrier has taken possession of his goods for shipment (or storage incident to shipment) and may include those newly acquired goods in the shipment at government expense, provided all other applicable limitations are met.¹³ In this case, all of Mr. Capp's goods were acquired prior to the date the carrier picked up his goods at his old

¹¹Executive Order No. 8,588, Nov. 7, 1940, as amended by Executive Order No. 9,122, Apr. 6, 1942.

¹²Section 11 has been brought forward in substantially the same form and currently is found in the last sentence of 41 C.F.R. § 302-8.2(e) (1994).

¹³Certain of the decisions of this Office referred to by the certifying officer involve military personnel. The household shipment rights of military personnel are subject to military regulations, not the FTR.

duty station for shipment on or above August 1, 1991. Because the carrier took possession of his goods for shipment within 2 years of the date Mr. Capp reported for duty at his new overseas station in Juneau, Alaska (August 6, 1989), and because he was well within the applicable weight limitation, all of his goods are eligible to be shipped at government expense.

/s/ Robert P. Murphy
for Comptroller General
of the United States